

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
FOR THE STATE OF MISSOURI**

In the Matter of the Application or Petition of	)	
Choctaw Telephone Company for	)	
Modifications of the Federal Communications	)	
Commission Requirements to Implement Number	)	Case No. _____
Portability and Dialing Parity for Indirectly	)	
Interconnected Voice over Internet Protocol	)	
Providers.	)	

**APPLICATION OR PETITION FOR MODIFICATIONS OF LOCAL NUMBER
PORTABILITY AND DIALING PARITY OBLIGATIONS FOR INDIRECTLY
INTERCONNECTED VOICE OVER INTERNET PROTOCOL PROVIDERS**

COMES NOW Choctaw Telephone Company (“Petitioner”), pursuant to Section 251(f)(2) of the Telecommunications Act of 1996 (the “Act”), 47 U.S.C. §251(f)(2), and hereby applies to the Missouri Public Service Commission (“Commission”) for modifications of Petitioner's obligations under Section 251(b) of the Act to provide local number portability (“LNP”) and local dialing parity (“DP”) for Interconnected Voice over Internet Protocol (“VoIP”) service providers that do not obtain a local direct interconnect with Petitioner.

Petitioner seeks modifications of the Federal Communication Commission’s (“FCC”) LNP and DP requirements until call rating, call routing, and call transport issues that pertain to traffic exchanged with VoIP providers that do not obtain a local direct interconnection with rural telephone companies are resolved by the FCC.

As demonstrated herein, Petitioner is entitled to the requested relief pursuant to the criteria set forth in Section 251(f) (2) of the Act, and the granting of this Petition will serve the public interest:

1. Petitioner is a local exchange telecommunications company, and Petitioner is a "rural telephone company" as defined in 47 U.S.C. §153(37).
2. Petitioner provides local exchange and other telecommunications services in Missouri.
3. Petitioner is a Missouri corporation with its principal office and place of business located at P.O. Box 82, 204 W. Main, Halltown, Missouri, 65664.
4. Communications, filings, orders, in this proceeding should be served upon petitioner as follows:

Jane Prettyman
General Manager
Choctaw Telephone Company
112 South Broadway
P.O. Box 429
Louisburg, Kansas, 66053
(913) 837-2219
(913) 837-5108 (fax)

with copies provided to:

Craig S. Johnson Mo Bar #28179
648A East Elm Street
Jefferson City, MO 65102
(573) 632-1900(telephone)
(573) 634-6018 (fax)
craig@csjohnsonlaw.com

5. Petitioner has no pending actions or final, unsatisfied adverse judgments or decisions which involve customer service or rates that have occurred within the last three years from the date of this Petition.

6. As a local exchange carrier, Petitioner is subject to the requirements of Section 251(b) of the Act, which in subsection (2) states that LECs have "[t]he duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the [FCC]."

7. As a local exchange carrier, Petition is subject to the requirements of Section 251 (b) of the Act, which in subsection (3) states that LECs have the duty to "provide dialing parity to competing providers of telephone exchange service".

8. In various decisions after enactment of the Act, the FCC has issued decisions and promulgated rules pertaining to Petitioner's duties to provider LNP and DP to local competitors, both landline service providers and wireless service providers.

9. Petitioner has been granted a modification of its obligation to provide local "intermodal" dialing parity to commercial mobile radio service providers where the CMRS coverage area overlaps Petitioner's rate center, and the CMRS does not directly interconnect with Petitioner.

10. For reasons similar to those justifying intermodal LNP modification, Petitioner herein requests modifications of LNP and DP for VoIP providers whose coverage area overlaps a rate center of Petitioner, and where that VoIP provider does not directly interconnect with Petitioner.

11. By its decision of November 8, 2007 in the *Matter of Telephone Number Portability*, et al., CC Docket No. 95-116, and four other dockets, the FCC extended LNP obligations to VoIP providers.

12. As set forth in 47 CFR 9.3, interconnected VoIP service was defined to include the ability to receive calls originating on the public switched telephone network, and to terminate calls to the public switched telephone network.

13. As a result, due to this November 8, 2007 decision, and FCC rules in place, Petitioner has obligations to provide both local dialing parity and local number portability with respect to VoIP providers.

Local Number Portability Modification Request

14. Section 251 (b) (2) imposes upon Petitioner "[t]he duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the [FCC]."

15. 47 CFR 52.20-.33 sets forth the current rules regarding LNP. Number portability has been defined as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."

16. Petitioner offers its customers unlimited calling for a flat rate only in its local calling areas as set forth in tariffs approved by this Commission.

17. VoIP providers typically offer unlimited outward calling for a flat rate, with no distinction between local calling and long distance calling. From the customer's perspective VoIP service is sold emphasizing the unlimited amount of outgoing calls the customer can make for the fixed service price.

18. As a consequence of these differences in service, the VoIP provider's coverage area typically overlaps the area in which Petitioner's rate centers may be located.

19. Typically VoIP providers do market their services emphasizing the customer can keep the current telephone number in use with the customer's current provider when switching to the VoIP provider.

20. Typically VoIP providers do not locate separate switching facilities in rural telecommunications company exchanges, but instead locate a single switch covering a broader area in a location distant from Petitioner's exchange.

21. VoIP providers typically do not directly interconnect with small rural telecommunications companies, instead they directly interconnect with the dominant regional bell operating company at one point in each LATA, or they contract with an alternate local exchange telecommunications company (CLEC) to handle switching functions. In the latter situation, the CLEC typically does not directly interconnect with small rural telecommunications companies, instead it directly interconnects with the dominant regional bell operating company at one point in each LATA.

22. Petitioner owns and operates facilities within its exchange boundary, as certificated by the Commission. Petitioner offers its customers calling within that boundaries, or between certain exchanges, as set forth in tariffs approved by the Commission.

23. Petitioner does not offer, and has not been authorized to offer, service allowing Petitioner to carry calls from its exchange to points outside its exchanges where a VoIP provider may interconnect with a dominant regional bell operating company.

24. The FCC has defined the obligation to port the number as including an obligation to complete ported calls.

25. In the event a VoIP provider successfully markets a customer away from Petitioner, the customer may request to “port” his or her number from Petitioner to the VoIP provider. The customer may do so while remaining at the same location.

26. Under current FCC rules, Petitioner would be required to “port” a call from one of Petitioner’s landline subscribers to the customer obtained by the VoIP provider.

27. In this situation, issues arise with respect to whose obligation it is to complete the call, what carrier’s facilities will be used to transport the ported call beyond Petitioner’s facilities, and what carrier has the obligation to be financially responsible to transport the call from Petitioner’s facilities to the point of interconnection between the VoIP provider and the dominant regional bell operating company.

28. Petitioner has no such facilities outside its exchanges, and has no authority to carry traffic outside its exchange.

29. Although requested to do so, the FCC as of yet has not resolved these issues.

30. Petitioner is LNP capable in its switch. Petitioner has yet to implement LNP. Implementation of LNP is expensive, both in non-recurring charges and in recurring database charges which after implementation would be required for all calls. Implementation will create significant costs for Petitioner. Petitioner is authorized to recover these costs by a surcharge imposed upon its customers.

31. Transporting such calls outside Petitioner's exchange to the VoIP provider would also be a significant cost to Petitioner. Petitioner believes it is authorized to recover these costs by a surcharge imposed upon its customers.

32. If a VoIP provider chooses not to directly interconnect with Petitioner, but also wishes to compete for local customers with Petitioner's exchanges, the VoIP provider should bear the costs of competing via a "virtual" presence in Petitioner's exchanges. Neither Petitioner nor Petitioner's customers should be responsible for this cost.

33. Imposing these costs upon Petitioner would impose an undue economic burden upon Petitioner.

34. Imposing these costs upon the customers of Petitioner would impose a significant adverse impact or undue economic burden upon the customers of Petitioner.

35. 47 USC 251(f) empowers the Missouri Public Service Commission to Modify Petitioner's obligation to implement LNP if it determines a modification is necessary to avoid a significant adverse impact on Petitioner's customers or an undue economic burden on Petitioner.

Local Dialing Parity Modification Request

36. Section 251 (b) (3) of the Act imposes upon Petitioner the duty to provide dialing parity to competing providers of telephone exchange service".

37. 47 CFR 51.207 mandates that Petitioner permit telephone exchange service customers within a local calling area to dial the same number of digits to make a

local telephone call notwithstanding the identity of the customer's or the called party's telecommunications service provider.

38. Typically VoIP providers do not locate separate switching facilities in rural telecommunications company exchanges, but instead locate a single switch covering a broader area in a location distant from Petitioner's exchanges.

39. VoIP providers typically do not directly interconnect with small rural telecommunications companies, instead they directly interconnect with the dominant regional bell operating company at one point in each LATA, or they contract with an alternate local exchange telecommunications company (CLEC) to handle switching functions. In the latter situation, the CLEC typically does not directly interconnect with small rural telecommunications companies, instead it directly interconnects with the dominant regional bell operating company at one point in each LATA.

40. Petitioner owns and operates facilities within its exchange boundary, as certificated by the Commission. Petitioner offers its customers calling between certain exchanges, as set forth in tariffs approved by the Commission.

41. Petitioner does not offer, and has not been authorized to offer, service allowing Petitioner to carry calls from its exchanges to points outside its exchanges where a VoIP provider may interconnect with a dominant regional bell operating company.

42. If Petitioner is required to provide dialing parity to its customers allowing them to dial customers captured by VoIP providers located within Petitioner's local calling scope, such calls could not be completed without being transported beyond the exchange boundary of Petitioner.

43. In the event an indirectly interconnected VoIP provider marketed a customer from Petitioner, and Petitioner is required to permit its customers to call the customer marketed by the VoIP provider from Petitioner, issues arise with respect to Petitioner's authority to carry such a call beyond its exchange boundaries, and with respect to the financial cost of providing for the transport of such calls to the VoIP provider location.

44. Transporting such calls outside Petitioner's exchange to the VoIP provider would be a significant cost to Petitioner.

45. If a VoIP provider chooses not to directly interconnect with Petitioner, but also wishes to compete for local customers with Petitioner's exchanges, the VoIP provider should bear the costs of competing via a "virtual" presence in Petitioner's exchanges. The VoIP provider should be responsible for the transport facility necessary for Petitioner to provide local dialing parity including the customers of an indirectly interconnected VoIP provider.

46. 47 USC 251(f) empowers the Missouri Public Service Commission to Modify Petitioner's obligation to implement dialing parity if it determines a modification is necessary to avoid undue economic burden on Petitioner.

47. Granting Petitioner modifications of its obligation to provide LNP and DP to indirectly interconnected VoIP providers is in the public interest, as they will require the VoIP providers to bear the cost of its decision to compete locally without a direct interconnection with the rural telecommunications carrier with whom it competes.

WHEREFORE, on the basis of the foregoing, Petitioner respectfully requests that the Commission issue an order granting Petitioner modifications of LNP and DP, along with such other and further relief as is reasonable or necessary herein.



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ATTORNEY FOR PETITIONER

VERIFICATION

I, Jane Prettyman, General Manager of Choctaw Telephone Company, hereby verify and affirm that I have read the foregoing **APPLICATION OR PETITION FOR MODIFICATIONS OF LOCAL NUMBER PORTABILITY AND DIALING PARITY OBLIGATION FOR INDIRECTLY INTERCONNECTED VOICE OVER INTERNET PROTOCOL PROVIDERS**, and that the statements contained herein are true and correct to the best of my information and belief.

Jane Prettyman
Signature

STATE OF KANSAS)
COUNTY OF Miami)

Subscribed and sworn to me, a Notary Public, on this 12th day of December, 2007.



Cynthia Rundel
Notary Public

My Commission expires _____.

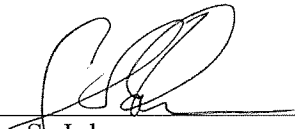
Attachment A

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by electronic mail this 21st day of December, 2007 to the following:

General Counsel's Office
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102-0360

Office of the Public Counsel
Governor Office Building
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102-2230



Craig S. Johnson